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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,423	12/01/2003	Michael R. Butler		1059

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THE INVENTORS NETWORK, INC.
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CARNEGIE, PA 15106

EXAMINER

MAI, TRI M

ART UNIT PAPER NUMBER

3727

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/724,423

Applicant(s)

BUTLER ET AL.

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/01/03.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the strap in claim 4 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what comprise the flexible strap connected to the storage case in claim 4. It seems the only strap is the cord previously set for in claim 2.

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3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (d439402), or in the alternative, under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Erikson (2031363) or Maute(20030230498). Johnson teaches a portable case having a storage case body defining an interior storage chamber, a second storage compartment, a lid pivotally attached to the case body, and attachment means as shown in Fig. 6.

With respect to the container being waterproof, it is noted that the claim does not impart any structure over the container of Johnson. In so far as claimed, the container of Atkinson is waterproof.

In the alternative, it would have been obvious to one of ordinary skill in the art to provide the lid with waterproof quality as taught by either Erikson or Maute (para. 2, ln. 3) to protect the contents.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson rejection, as set forth in paragraph 3, in view of anyone of Rhodes (5630503) or Schmidt (2494724) or Tupper (D144528). It would have been obvious to one of ordinary skill in the art to provide the storage in the rectangular shape as taught by Rhodes or Schmidt to provide the desired shape for the storage area.

5. Claims 2, 3, 4, 6, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Johnson rejections, as set forth in paragraphs 3 and 4, in view of Jones (6305591). It would have been obvious to one of ordinary skill in the art to provide to provide a cord as taught by Jones to provide the desired attachment for the case.

It would have been obvious to one of ordinary skill in the art to provide to provide a flexible strap, i.e. a belt, connected to the storage case via the clip.

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6. Claims 4, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson rejection as set forth in paragraph 5 in view of Clampitt (2537332).

In the alternative, it would have been obvious to one of ordinary skill in the art to provide a strap 48 as taught by Clampitt to enable one to wear the holder easily.

7. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Musselman et al. (2460427) in view of Jones (6305591), or in the alternative, under 35 U.S.C. 103(a) as being unpatentable over Musselman in view of Jones, and further in view of Erikson or Her (4905857). Musselman teaches a storage case having a secondary storage compartment, a lid. Musselman meets all claimed limitations except for the attaching means. Jones teaches that it is known in the art to provide attaching means 122, 22. It would have been obvious to one of ordinary skill in the art to provide attaching means to enable one to carry the container easily.

With respect to the container being waterproof, it is noted that the claim does not impart any structure over the container of Atkinson. In so far as claimed, the container of Atkinson is waterproof.

In the alternative, it would have been obvious to one of ordinary skill in the art to provide the lid with waterproof quality as taught by Erikson or Her to protect the contents.

Regarding claim 4, it would have been obvious to one of ordinary skill in the art to provide to provide a flexible strap, i.e. a belt, connected to the storage case via the clip.

8. Claim 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Musselman rejection, as set forth in paragraph 7, and further in view of Rhodes or Tupper (D144528). It would have been obvious to one of ordinary skill in the art to provide the secondary case being

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flat as taught by Schmidt to provide an alternative type of compartment for holding an alternative lighting means.

9. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atkinson (2447787) in view of Jones (6305591), or in the alternative, under 35 U.S.C. 103(a) as being unpatentable over Atkinson in view of Jones, and further in view of Erikson or Maute. Atkinson teaches a storage case having a secondary storage compartment, a lid. Atkinson meets all claimed limitations except for the attaching means. Jones teaches that it is known in the art to provide attaching means 122, 22. It would have been obvious to one of ordinary skill in the art to provide attaching means to enable one to carry the container easily.

Regarding claim 5, note the secondary storage compartment is planar and rectangular as claimed.

Note the teaching on the container being protection against climate as claimed, with respect to the container being waterproof, it is noted that the claim does not impart any structure over the container of Atkinson. In so far as claimed, the container of Atkinson is waterproof.

In the alternative, it would have been obvious to one of ordinary skill in the art to provide the lid with waterproof quality as taught by Erikson or Maute to protect the contents.

Regarding claim 4, it would have been obvious to one of ordinary skill in the art to provide to provide a flexible strap, i.e. a belt, connected to the storage case via the clip.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tri M. Mai
Primary Examiner
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